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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,874	05/09/2001	Seiji Tatsuta	960716RE/TL	5549

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EXAMINER	
ROGERS, SCOTT A	

ART UNIT	PAPER NUMBER
2627	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/851,874	TATSUTA, SEIJI	
	Examiner	Art Unit	
	Scott A. Rogers	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 08/764,136.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 21-22 have been considered. The arguments are addressed in the rejection below or otherwise rendered moot in view of the new ground(s) of rejection.

Reissue Applications

The reissue oath/declaration filed with this application is defective because it fails to contain a statement that all errors, which are being corrected in the reissue application up to the time of filing of the oath/declaration, arose without any deceptive intention on the part of the applicant. See 37 CFR 1.175 and MPEP § 1414.

Note important reminders regarding reissue application at the end of this Office Action.

Claim Rejections - 35 USC § 251

Claims 1-25 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohyama et al (US 5101096 A) in view of Kato et al (JP 4-139898) and Maltsev et al (US 5777309 A).

Referring to claim 21:

Ohyama et al disclose an information recording medium for use in an information reproducing system having: code reading means (sensor 21) for reading a dot code from an information recording medium (optical recording sheet 1) on which multimedia (i.e., picture and audio) information in the form of a dot code which can be optically read (see col. 2, line 59 to col. 3, line 9); binarization means (circuit 25) for generating binarized data, inherently by use of a predetermined threshold value, from an image signal corresponding to an image of the dot code read by said code reading means (see col. 4, lines 16-21); and information reproducing means (device 23) for restoring binarized data generated by said binarization means to the multimedia information and for reproducing the multimedia information (see col. 4, lines 22-25), said information recording medium comprising:

data dots which correspond to contents of multimedia information and which can optically be read; and

a reference dot arranged for use by said binarization means when said binarization means binarizes the image signal (see col. 2, line 65 to col. 3, line 28).

Ohyama et al do not disclose modifying the predetermined threshold used by said binarization means so that an area of the reference dot in an image of the dot code read by said code reading means approaches a predetermined target value.

However, Kato et al disclose modifying a predetermined binarization threshold value so that an area of an isolated reference dot in an image read by an optical reading means approaches a predetermined target value (see English abstract).

Even though in Ohyama et al, detection of the marker is facilitated without accurately adjusting the threshold level of the binary signal, it would never the less have been obvious to one of ordinary skill in the art to have modified Ohyama et al to have included the reference mark recognition and threshold adjustment taught in Kato et whereby the binarization means in Ohyama et al could modify the threshold value used for binarization in order to have some measured improvement in correctly recognizing the area of the reference mark and binarizing of the dot code image signal. Motivation for such a modification is found in the purpose stated by Kato et al for their invention.

Ohyama et al also do not disclose said reference dot being at least part of a pattern code for use in determining positions for reading the data dots.

However, Maltsev et al disclose a reference dot (finder pattern) being at least part of a dot pattern code (machine readable symbol 53) for use in determining positions for reading the data dots in the dot pattern code (see col. 6, lines 52-55 and 63-67, and col. 11, lines 5-10). Applicant's claim does not limit how the reference dot is

part of the code and nothing in applicant's claims limits the reference code to being part of the pattern code as code data as opposed to part of the pattern code as non-code data.

It would have been obvious to one of ordinary skill in the art to have modified Ohyama et al to have included the reference dot in part of the pattern code, in view of Maltsev et al, in order to provide a reference dot for determining the position and orientation of a dot pattern code, which can be located by a simple, effective, and low cost technique (col. 1, line 63 to col. 2, line 60).

Referring to claim 22:

Ohyama et al disclose the plurality of reference dots or markers recorded on the information recording medium in such a manner that said plurality of reference dots can be detected in an image pickup area (marker and data regions) of the code reading means when the code reading means reads the dot code from the image pickup area (see col. 2, line 65 to col. 3, line 28).

Allowable Subject Matter

Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-20 and 24-25 would be allowable if the rejection under 35 U.S.C. 251 is overcome.

Cited Art

The art made of record and not relied upon is considered pertinent to applicant's disclosure.

Longacre, Jr. et al (US 5591956 A) disclose a square shaped finder pattern 20 as part of the dot pattern code or symbol 10 formed of data blocks organized into layers surrounding the finder pattern, the finder pattern being used to determine the location and orientation of the symbol 10.

Hecht et al (US 5449895 A) discloses self-clocking glyph codes composed of data glyphs, which encode logically order data values, together with multi-glyph synchronization code patterns, distinguishable from the data glyphs, providing an explicit spatial reference for the data glyphs.

IMPORTANT REMINDERS

Applicant is advised that for any error corrected, which is not covered by an oath or declaration, i.e., any error corrected after the filing of all declarations currently in the reissue application, applicant **MUST** submit a supplemental oath or declaration prior to allowance stating "[T]hat every such error arose without any deceptive intention on the part of the applicant" (37 CFR 1.175(b)(1)), or language equivalent thereto. See MPEP 1444 for handling supplemental oaths/declarations.

If a claim is amended during reissue prosecution, a parenthetical expression "(amended)," "(twice amended)," etc., should follow the original claim number. 37 CFR 1.173(b)(2). Alternatively, applicant may effectively re-write a claim by presenting it as a new (fully underlined) claim with a new claim number, and canceling the old claim. Brackets and underlining are to be used to reflect only those changes in the text from the **ORIGINAL** patented text and not from any previous amendment in the reissue application. § 1.173(g).

Each amendatory change, when first submitted, must be accompanied by an explanation of the support in the disclosure of the patent for the change (along with any additional comments) on page(s) separate from the page(s) containing the amendment. 37 CFR 1.173(c).

For compliance with all requirements when amending claims, see 37 CFR 1.173.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers whose telephone number is 571-272-7467. The examiner can normally be reached Monday through Friday 6:00am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at 571-272-7471.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at 571-272-2600. Official correspondence by facsimile should be sent to 571-273-8300. The USPTO contact Center phone numbers are 800-PTO-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCOTT ROGERS
PRIMARY EXAMINER

09 December 2005